

21 C.J.S. Courts § 43

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Courts

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II. Jurisdiction of Courts

C. Jurisdiction of Subject Matter or Cause of Action

4. Jurisdiction of Actions Under Laws of Other States or Countries

§ 43. Public policy exceptions to jurisdiction under laws of other states or countries

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  8

West's Key Number Digest, [International Law](#)  321, 322, 341, 352, 361, 364, 392

Courts will not assume jurisdiction of actions arising under foreign laws if enforcement would be against the public policy of the forum or against good morals, natural justice, or the general interests of the people of the forum.

The courts of a state will not assume jurisdiction of actions arising under the laws of another state or country if enforcement would be against the public policy of the forum jurisdiction¹ as against good morals, natural justice, or the general interests of the people of the forum.² The law of the forum state generally applies in case of a conflict, but even in the case of a conflict, the forum state's public policy may yield in the face of a strong assertion of interest by the other jurisdiction.³

The forum policy is to be found in the constitution, statutes, and judicial decisions of the State⁴ and the prevailing attitudes of the community.⁵ There is no public policy conflict when the substantive law of the forum is virtually identical,⁶ and a mere dissimilarity in the law of the forum is not sufficient to render enforcement opposed to public policy.⁷

The public policy exception has no application when the law of the other jurisdiction is federal law.⁸

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Footnotes

- 1 U.S.—*Kunda v. C.R. Bard, Inc.*, 671 F.3d 464 (4th Cir. 2011) (applying Maryland law); *Town of Smyrna, Tenn. v. Municipal Gas Authority of Georgia*, 723 F.3d 640 (6th Cir. 2013) (applying Tennessee law); *San Francisco Residence Club, Inc. v. Baswell-Guthrie*, 897 F. Supp. 2d 1122 (N.D. Ala. 2012) (applying Alabama law).

Idaho—*Houston v. Whittier*, 147 Idaho 900, 216 P.3d 1272 (2009).

N.Y.—*Debra H. v. Janice R.*, 14 N.Y.3d 576, 904 N.Y.S.2d 263, 930 N.E.2d 184 (2010).

N.C.—*Atlantic Coast Conference v. University of Maryland*, 230 N.C. App. 429, 751 S.E.2d 612, 299 Ed. Law Rep. 753 (2013).

Ohio—*Am. Interstate Ins. Co. v. G & H Serv. Ctr., Inc.*, 112 Ohio St. 3d 521, 2007-Ohio-608, 861 N.E.2d 524 (2007).

Tex.—*Colvin v. Colvin*, 291 S.W.3d 508 (Tex. App. Tyler 2009).
- 2 N.C.—*Cox v. Roach*, 218 N.C. App. 311, 723 S.E.2d 340 (2012).

Tex.—*Colvin v. Colvin*, 291 S.W.3d 508 (Tex. App. Tyler 2009).
- 3 N.Y.—*Debra H. v. Janice R.*, 14 N.Y.3d 576, 904 N.Y.S.2d 263, 930 N.E.2d 184 (2010).
- 4 U.S.—*Town of Smyrna, Tenn. v. Municipal Gas Authority of Georgia*, 723 F.3d 640 (6th Cir. 2013) (applying Tennessee law); *San Francisco Residence Club, Inc. v. Baswell-Guthrie*, 897 F. Supp. 2d 1122 (N.D. Ala. 2012) (applying Alabama law).
- 5 U.S.—*San Francisco Residence Club, Inc. v. Baswell-Guthrie*, 897 F. Supp. 2d 1122 (N.D. Ala. 2012) (applying Alabama law).
- 6 Idaho—*Houston v. Whittier*, 147 Idaho 900, 216 P.3d 1272 (2009).
- 7 U.S.—*Kunda v. C.R. Bard, Inc.*, 671 F.3d 464 (4th Cir. 2011) (applying Maryland law).

La.—*Levert v. University of Illinois at Urbana/Champaign ex rel. Bd. of Trustees*, 857 So. 2d 611 (La. Ct. App. 1st Cir. 2003), writ denied, 864 So. 2d 635 (La. 2004).

Mere differences insufficient

Tex.—Vanderbilt Mortg. & Finance, Inc. v. Posey, 146 S.W.3d 302 (Tex. App. Texarkana 2004).

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Md.—R.A. Ponte Architects, Ltd. v. Investors' Alert, Inc., 382 Md. 689, 857 A.2d 1 (2004).

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